IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 21157 of 2004

Between:

Addala Ramachandra Raju, S/o. Late Venkata Raju, Hindu,
R/o. D.No. 3-6-/1, Chintalapalem (Via) Pendurthi, Kottavalasa Mandalam,
Vizianagaram District.

..... PETITIONER

AND

1 Chandrasen Sarma, Labour Contractor,
D.F.N. Area, Sriramnagar - 532 101, Vizianagaram District.
2 The General Manager, Ferro Alloys Corporation Ltd.,
Sriramnagar - 532 101, Vizianagaram District.
3 The Industrial Tribunal-cum-Labour Court, Rep by its Presiding Officer,

Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, particularly one in the nature of Writ of Certiorari to call for the entire records in G.O.Rt.No.1421, dt.24-7-2003 in the award I.D.No.84/2001 dated 5-6-2003 as illegal, arbitrary and unenforceable and to quash the same and consequently direct the Respondents 1 and 2 herein to reinstate the petitioner into service and pay all consequential benefits.

Counsel for the Petitioner: MR.M.SUBBAIAH SASTRY (not present)

Counsel for the Respondent No.3: GP FOR LABOUR

Counsel for the Respondent No.2: Mr.V.Srinivasa Rao

Counsel for the Respondent No.1: None appeared.

The Court at the stage of admission made the following:

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO : 21157 of 2004

ORDER:

Challenging the award passed in I.D.No.84 of 2001, dated 05-06-2003 on the file of Industrial Tribunal cum Labour Court, Visakhapatnam, the present writ petition is filed.

2. When the writ petition is posted on 16-12-2004 none appeared for the petitioner. Therefore, it is posted to today for 'orders'. Today also none appears on behalf of the petitioner.

3. The learned counsel appearing for the 2nd respondent contended that in spite of giving several opportunities to the petitioner to report for duty, he failed to avail the same and therefore, the order under challenge does not suffer from any legal infirmities so as to call for interference by this Court.

4. As seen from the order under challenge, it reads as follows:

> "Workman called absent. No representation. Costs not paid. R-1 and R-2 present. Matter again called after call work. Workman is called absent. No representation. Respondents present. Petition is dismissed for default and Nil award is passed."

5. On a bare perusal of it, it is clear that the matter is posted on payment of costs. Even the costs have not been paid there was no representation. In such circumstances, the Tribunal has no option except to dismiss the award for default. Hence, the order under challenge does not suffer from any legal infirmities so as to call for interference by this Court.

6. In the counter affidavit filed by the 2nd respondent, it is specifically stated that after so many adjournments, when there was no representation

either from the petitioner or from his counsel for almost seven to eight hearings, the Tribunal adjourned the I.D. on payment of costs and posted the matter to 05-06-2003.

On 05-06-2003 also neither the petitioner himself nor his counsel turned up to the Court and there was no representation on his behalf and failed to pay the costs also. Even then, the Chairman/Presiding Officer of the Industrial Tribunal waited up to 12 noon and called the petitioner once again. But, since there is no representation in any way, the Tribunal dismissed the I.D. for default and the same was published in the Gazette on 24-07-2003.

7. Taking into consideration all these things, I am of the opinion that it is totally negligence and inaction on the part of the petitioner in not prosecuting the case. Therefore, the writ petition is devoid of merits and the same is liable to be dismissed.

8. Accordingly, the writ petition is dismissed quantifying the costs at Rs.1,000/- payable to the 2nd respondent-General Manager, Ferro Alloys Corporation Ltd., Sriramanagar.

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January 20, 2005

Kvr

To

1 The General Manager, Ferro Alloys Corporation Ltd.,
Sriramnagar - 532 101, Vizianagaram District.
2 The Presiding Officer, Industrial Tribunal-cum-Labour Court,

Visakhapatnam.

3 Two C.Cs. to G.P. for Labour, High Court Buildings,

High Court of A.P., Hyderabad. (O.U.T.).

4 2 C.D copies.